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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,859

07/25/2003

Floyd D. Ireland

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7590

02/16/2006

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EXAMINER

COLLINS, GIOVANNA M

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,859	<b>Applicant(s)</b> IRELAND ET AL.	
	<b>Examiner</b> Giovanna M. Collins	<b>Art Unit</b> 3672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,4-8 and 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huntsinger '732.

Huntsinger discloses (fig. 6) a subsea pumping assembly, comprising: a primary housing (24) adapted to be located subsea, the primary housing having a lower end with a receptacle (11), an intake conduit (perforated area at end of element 11) connected with the receptacle for supplying well fluid; a capsule (200) that lands in the primary housing, the capsule having an inlet (perforation area at end of element 200) for receiving well fluid; a submersible pump assembly (10) located in the capsule, the pump assembly having an intake for receiving well fluid flowing into the capsule and a discharge for discharging the well fluid from the capsule; and wherein the capsule while containing the pump assembly therein is retrievable from the primary housing (col. 9, lines 40-47). Huntsinger does not disclose the capsule inlet sealingly engages the receptacle. However, in another embodiment, Huntsinger does disclose a seal can be installed between the capsule and the receptacle (see fig. 5a, at 201). As it would be advantageous to ensure the majority of the well fluid coming in the receptacle is received in the capsule so that it can be removed by the pump, it would be obvious to

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one of ordinary skill in the art to modify the assembly disclosed by Huntsinger have the capsule inlet sealingly engages the receptacle.

Referring to claim 3, Huntsinger wherein the inlet of the capsule comprises a tail pipe (at end of 200) that extends slidingly into the receptacle.

Referring to claim 13, Huntsinger discloses a method of pumping well fluid from a sea floor to a surface platform, comprising: (a) installing a primary housing (24) at the sea floor; (b) placing a submersible pump assembly (10) in a capsule (200); then (c) lowering the capsule from the surface into the primary housing while the pump is contained therein (col. 8, lines 64-69); then flowing well fluid from a subsea well into the receptacle (perforated area at end of element 11) through the inlet and into the capsule and pumping the well fluid from the capsule with the pump assembly (10). ). Huntsinger does not disclose the capsule inlet sealingly engages the receptacle. However, in another embodiment, Huntsinger does disclose a seal can be installed between the capsule and the receptacle (see fig. 5a, at 201). As it would be advantageous to ensure the majority of the well fluid coming in the receptacle is received in the capsule so that it can be removed by the pump, it would be obvious to one of ordinary skill in the art to modify the assembly disclosed by Huntsinger have the capsule inlet sealingly engages the receptacle.

***Allowable Subject Matter***

Claims 2,4-8 and 14-16 and objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-12 are allowed.

***Response to Arguments***

Applicant's arguments filed 12/5/05 have been fully considered but they are not persuasive. The applicant states the tubing 200 is not retrievable while containing the pumps assembly therein. The applicant is incorrect. In the embodiment shown in fig. 6, Huntsinger discloses tubing that is retrievable while containing the pump assembly therein (col. 9, lines 40-47).

The applicant also states the word capsule does not describe the tubing (200) of Huntsinger. Merriam- Webster College Dictionary 10th edition defines a capsule as a compact often sealed and detachable container or compartment. According to this definition, the production tubing disclosed by Huntsinger can be described as a capsule.

The applicant states the tubing 200 is first installed then the pump 10 is lowered into the tubing. However, in the embodiment shown in fig. 6, Huntsinger discloses the tubing 200 is lowered into a primary housing while the pump assembly is contained therein (col. 8, lines 64-69).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gmc

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